

REMARKS

Applicant is in receipt of the Office Action mailed August 17, 2004. Applicant has amended various of the claims and submits new claims to more fully and completely claim Applicant's invention. Reconsideration of the present case is earnestly requested in light of the following remarks.

Applicant respectfully thanks Examiner for the Telephone Interview on November 8, 2004. Applicant and Examiner discussed various aspects of Blowers et al. (U.S. Patent No. 6,298,474, hereinafter "Blowers") in comparison and contrast with Applicant's invention. Applicant submitted that Blowers nowhere teaches or suggests that a graphical user interface presented in Blowers receives input during execution (by task sequence engine 46) of the tree-structure diagram shown in Blowers' Figures 6-9. As noted above, Applicant has amended various of the independent claims to more fully and completely claim Applicant's invention. Examiner agreed with Applicant that if Blowers does not disclose a graphical user interface which accepts user input during execution of the tree-structure diagram shown in Blowers' Figures 6-9 that Applicant's invention as described in the various amended claims would be patentably distinguished over Blowers and would, accordingly, be allowable.

§102 Rejections

Claims 1, 3-5, 7-14, 16-18, 20-27, 29-31, 33-40, and 42-47 were rejected under 35 U.S.C. 102(e) as being anticipated by Blowers. This rejection is respectfully traversed.

Applicant respectfully submits that Blowers nowhere teaches or suggests "wherein said automatically generating the graphical user interface comprises automatically creating one or more graphical user interface elements associated with the one or more parameters, wherein during execution of the program, at least one of the one or more graphical user interface elements is displayed and is operable to receive user input" as currently recited in pertinent part by claim 1. Thus, Applicant respectfully submits that claim 1 is patentably distinguished over Blowers. Accordingly, Applicant

respectfully submits that, at least for the reason presented, claim 1 and those dependent therefrom are allowable.

Claim 14 includes limitations similar to claim 1, specifically, the feature that “wherein said automatically generating the graphical user interface comprises automatically creating one or more graphical user interface elements associated with the one or more parameters, wherein during execution of the program, at least one of the one or more graphical user interface elements is displayed and is operable to receive user input”, and so the arguments presented above apply with equal force to claim 14, as well. Thus, Applicant respectfully submits that claim 14 is patentably distinguished over Blowers. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 14 and those dependent therefrom are allowable.

Claim 27 includes limitations similar to claim 1, specifically, the feature that “wherein said automatically generating the graphical user interface comprises automatically creating one or more graphical user interface elements associated with the one or more parameters, wherein during execution of the program, at least one of the one or more graphical user interface elements is displayed and is operable to receive user input”, and so the arguments presented above apply with equal force to claim 27, as well. Thus, Applicant respectfully submits that claim 27 is patentably distinguished over Blowers. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 27 and those dependent therefrom are allowable.

Claim 40 includes limitations similar to claim 1, specifically, the feature that “wherein said automatically generating the graphical user interface comprises automatically creating one or more graphical user interface elements for providing input to and/or viewing output from the program, wherein during execution of the program, the one or more graphical user interface elements are displayed and at least one of the one or more graphical user interface elements is operable to receive user input”, and so the arguments presented above apply with equal force to claim 40, as well. Thus, Applicant respectfully submits that claim 40 is patentably distinguished over Blowers.

Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 40 and those dependent therefrom are allowable.

Furthermore, Applicant respectfully submits that Blowers nowhere teaches or suggests, “in response to said receiving user input specifying the prototype, automatically generating a graphical program, wherein the graphical program comprises a plurality of interconnected nodes that visually indicate functionality of the graphical program (*emphasis added*)” and “wherein the graphical program is interpretable or compilable” as recited in claim 48.

Rather, Blowers teaches and discloses executing a sequence tasks by a task sequence engine 46: “The engine 46 takes the condensed stored sequence from the file 52 and executes it through the runtime screen of FIG. 9 of the runtime interface 54. This engine 46 is interlinked with a results engine 56 for seamlessly communicating results obtained by executing the sequence” (Blowers col. 9, lines 16-20).

Moreover, Blowers teaches and discloses a development environment is used to create various tree structures and any output resulting from an execution of a tree-structure is “seamlessly” tied to the development environment:

A design engine or task sequencer engine 46 is used to configure and test the flow and design of the application software as illustrated by an exemplary task sequencer list of FIG. 6. Graphical representations or icons are selected from the tool boxes of FIG. 5 which correspond to desired functional tasks and are linked into the tree structure of FIG. 6 by a task sequencer interface 50 in the desired locations. . Once the desired sequence has been created, it can be stored or saved in a condensed method within an inspection sequence file 52 which is usable by the engine 46.

The engine 46 takes the condensed stored sequence from the file 52 and executes it through the runtime screen of FIG. 9 of the runtime interface 54. This engine 46 is interlinked with a results engine 56 for seamlessly communicating results obtained by executing the sequence.

The engine 56 acts on inspection results by generating records within a database 58, accumulating pass/fail statistics, and stores images (generally failed images) within the database 58. The engine 56 provides active results in a rolling results window of FIG. 9 through a results interface 60. (Blowers col. 8, line 61 - col. 9, line 25) (*emphasis added*)

In other words, Blowers teaches and discloses that the same environment or “engine 46” which is used to create the tree structure is necessary to execute a sequence from a tree structure.

In contrast, Applicant’s invention as recited in claim 49 includes:

- 49. (New) The method of claim 48,
 - wherein said receiving user input specifying the prototype is performed by a development environment;
 - wherein said automatically generating the graphical program comprises generating second program instructions which comprises the graphical program, wherein said generating the second program instructions is performed by the development environment;
 - wherein execution of the second program instructions is independent of execution of the development environment.

Blowers nowhere teaches or suggests this combination of features. Thus, Applicant respectfully submits that claim 49 is patentably distinguished over Blowers. Accordingly, Applicant respectfully submits that claim 49 is allowable for at least this further reason.

Claim 50 includes limitations similar to claim 48, specifically, the feature that “in response to said receiving user input specifying the prototype, automatically generating a graphical program, wherein the graphical program comprises a plurality of interconnected nodes that visually indicate functionality of the graphical program,

wherein said automatically generating the graphical program comprises automatically generating a graphical user interface for the graphical program”, and so the arguments presented above apply with equal force to claim 50, as well. Thus, Applicant respectfully submits that claim 50 is patentably distinguished over Blowers. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 50 and those dependent therefrom are allowable.

Moreover, claim 52 include limitations similar to claim 49, and so the arguments presented above apply with equal force to claim 52, as well. Applicant respectfully submits that, for at least one or more reasons presented, claim 52 is patentably distinguished over Blowers and is allowable.

Furthermore, Blowers does not teach or suggest “wherein the graphical user interface of the program comprises at least one graphical user interface element which is associated with the at least one of the associated one or more parameters, wherein the at least one graphical user interface element performs at least one of receiving information to the program and outputting information from the program during execution of the program, wherein the graphical user interface of the program is independent of the prototyping environment user interface (emphasis added)” as recited in claim 53. Thus, Applicant respectfully submits that claim 53 is patentably distinguished over Blowers. Accordingly, Applicant respectfully submits that claim 53 and those dependent therefrom are allowable.

Further, Blowers does not teach or suggest “automatically generating a program that implements the series of functional operations, in response to the user input, wherein the program execution of the program is independent of execution of the development environment” as recited in claim 55. Thus, Applicant respectfully submits that claim 55 is patentably distinguished over Blowers. Accordingly, Applicant respectfully submits that claim 56 and those dependent therefrom are allowable.

Applicant respectfully requests removal of the §102 rejections.

§103 Rejections

Claims 6, 19, and 32 were rejected under 35 U.S.C. 103(a) as being patentable over Blowers. This rejection is respectfully traversed.

As Examiner is certainly aware, “It is impermissible. . . simply to engage in a hindsight reconstruction of the claimed invention, using the applicant’s structure as a template and selecting elements from references to fill the gaps.” *In re Gorman*, 933 F.2d 982, 987 (Fed. Cir. 1991).

Furthermore, as Examiner is certainly aware, “In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974)” as stated in the MPEP § 2143.03 (*emphasis added*).

The Office Action asserts, “. . . Blowers only discusses displaying the desired graphical user interface elements, which represent the parameters” (*emphasis added*).

Applicant respectfully submits that Blowers does not teach or suggest “wherein said generating the graphical user interface comprises creating a graphical user interface element associated with each specified parameter, but not creating graphical user interface elements associated with unspecified parameters” as currently recited in claim 6.

Thus, Applicant respectfully submits that a case of *prima facie* obviousness has not been established to reject claim 6. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 6 is allowable.

Claims 19 and 32 include features similar to claim 6, and so the arguments presented above apply with equal force to these claims, as well. Thus, Applicant respectfully submits that a case of *prima facie* obviousness has not been established to

reject claims 19 and 32. Applicant respectfully submits that, for at least one or more reasons presented, claims 19 and 32 are allowable.

Applicant respectfully further submits that various of the independent claims have been amended to overcome rejections under 35 U.S.C. 102, and Applicant also respectfully submits that various of the independent claims are nonobvious and are allowable, as well. Applicant respectfully submits: “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)” as stated in the MPEP §2143.03. Accordingly, Applicant respectfully submits that claims 1, 3-14, 16-27, 29-40, and 42-57 are allowable.

Applicant respectfully requests removal of the §103 rejections.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-43700/JCH.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Request for Approval of Drawing Changes
- ☐ Notice of Change of Address
- ☐ Check in the amount of \$ for fees ().
- ☐ Other:

Respectfully submitted,



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